



## Colorado River Basin Regional Water Quality Control Board

Certified Mail: 7021 1970 0002 0497 8180

April 4, 2023

Scott Quinnell  
California Department of Transportation, District 8  
464 West 4th Street  
San Bernardino, CA 92401  
[Scott.Quinnell@dot.ca.gov](mailto:Scott.Quinnell@dot.ca.gov)

### **DENIAL OF WATER QUALITY CERTIFICATION FOR CALIFORNIA DEPARTMENT OF TRANSPORTATION, STATE ROUTE 95 – ROAD WASH-OUT DAMAGE REPAIR PROJECT, RIVERSIDE COUNTY, W DID 7B333038001**

Dear Mr. Quinnell:

On February 6, 2023, the Colorado River Basin Regional Water Quality Control Board (Colorado River Basin Water Board) received a Clean Water Act Section 401 Water Quality Certification Application from the California Department of Transportation (Caltrans) for the State Route 95 - Road Wash-out Damage Repair (Project). Caltrans requested a retroactive certification for emergency roadway repairs of State Route (SR) 95 in the Vidal area, which was damaged by a series of rainstorm events in August of 2022.

Emergency repair work was completed in August 2022 at Post Mile (PM) 18.9, 27.1 and 32.8. The repair work included clearance of impacted basins, repairs to all distressed embankments/slope paving, restoration of undermined roadway, and armoring downslope areas with rock slope protection. The repair work was originally planned on previously disturbed areas, but unintended permanent impacts to waters of the United States/state occurred as shown in Table 1 below.

**Table 1: State Route 95 - Road Wash-out Damage Repair Project Impacts.**

Aquatic Resource Type	Temporary Impact		Permanent Impact	
	Physical Loss of Area		Physical Loss of Area	
	Acres	L.F. <sup>1</sup>	Acres	L.F.
Stream Channel	0	0	0.25	--

<sup>1</sup> Linear Feet

The Colorado River Basin Water Board will not be issuing an after-the-fact Water Quality Certification action for the Project. Caltrans staff communicated with Colorado River Basin Water Board staff early in the process when the impacts were reported by Caltrans construction staff, cited the emergency nature of this Project, and explained the best management practices Caltrans implemented to minimize and avoid water quality impacts when working within the Project area. Due to the emergency nature of the Project and Caltrans' coordination with Colorado River Basin Water Board staff early in the process, the Colorado River Basin Water Board will use its discretion to not take enforcement action against Caltrans for failure to obtain a Water Quality Certification for the Project, subject to compliance with the following conditions:

- Post-Project Monitoring: Visually inspect the Project site during the rainy season for one year to ensure excessive erosion, stream instability, or other water quality pollution is not occurring in or downstream of the Project site. If water quality pollution is occurring, contact the Colorado River Basin Water Board within three (3) working days. The Colorado River Basin Water Board may require the submission of a Violation of Compliance with Water Quality Standards Report. Additional permits may be required to carry out any necessary site remediation.

The Colorado River Basin Water Board's decision to not issue an after-the-fact Water Quality Certification and to not take enforcement action is applicable to this Project and the impacts identified in Table 1 and is not intended to set a precedent for future activities conducted without a Water Quality Certification. Caltrans should notify the Colorado River Basin Water Board of other proposed non-exempt projects in the Project area in order to determine if a Clean Water Act Section 401 Water Quality Certification must be obtained prior to site disturbance and to address any water quality concerns.

If you have questions concerning this matter, please contact Kai Dunn at (760) 776-8986 or via email at [Kai.Dunn@waterboards.ca.gov](mailto:Kai.Dunn@waterboards.ca.gov).

Respectfully,

*Original Signed By* \_\_\_\_\_

Paula Rasmussen  
Executive Officer  
Colorado River Basin  
Regional Water Quality Control Board

LR/

Cc (via email):

Cesar Garcia, California Department of Transportation, [Cesar.Garcia@dot.ca.gov](mailto:Cesar.Garcia@dot.ca.gov)